

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 19-225 (SRN/TNL)

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

DEONTAY DOVEN JONES,

Defendant.

Jeffrey S. Paulsen, United States Attorney's Office, 300 S. 4th St., Room 600, Minneapolis, MN 55415, counsel for Plaintiff.

Robert A. Lengeling, Beito & Lengeling, PA, 310 4th Ave. S., Ste. 1050, Minneapolis, MN 55415, counsel for Defendant.

This matter is before the Court on two motions filed by Defendant Deontay Doven Jones: (1) the Motion for Hearing to Schedule Sentencing [Doc. No. 61]; and (2) the Motion for Leave to File a Supplemental Sentencing Position [Doc. No. 62]. The Government opposes the former motion, but does not oppose the latter, as long as it has the opportunity to respond to Defendant's supplemental sentencing position. (*See* Gov't's Response [Doc. No. 64].)

On November 21, 2019, Jones pleaded guilty to a single count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). (*See* Nov. 21, 2019 Court Minutes [Doc. No. 40].) He is currently held in detention in the Sherburne

County Jail, awaiting sentencing. (*See id.*) Although Jones' sentencing was scheduled to occur on March 19, 2020, the hearing was canceled in light of the COVID-19 pandemic, and will be rescheduled. (Mar. 16, 2020 Text-Only Order [Doc. No. 60].) Jones notes that his potential sentence is not particularly lengthy. (Def.'s Mot. at 2.) He asserts that prisoners are not currently being transported to Bureau of Prisons facilities due to COVID-19 prevention policies, and it is therefore possible that he may serve his entire sentence in the Sherburne County Jail. (*Id.*) Jones is concerned about the possibility of a COVID-19 outbreak in the Sherburne County Jail. (*Id.*) He requests permission, pursuant to District of Minnesota General Order No. 5, to be sentenced via videoconference or teleconference, in the interests of justice. (*Id.*) He further requests permission to file a supplemental sentencing position. (*Id.*)

In General Order No. 5, Chief Judge John Tunheim ruled that due to the COVID-19 pandemic, felony sentencings may only be held by videoconference or teleconference when a judge finds, for specific reasons, that a sentencing cannot be delayed without serious harm to the interests of justice. Jones does not meet this showing. Currently, there are no known cases of COVID-19 in the Sherburne County Jail, and the Jail has undertaken numerous measures to prevent or mitigate the risk of COVID-19 in the inmate population. *See United States v. Blegen*, 19-cr-304 (SRN/TNL), (D. Minn. April 2, 2020 Order [Doc. No. 87] at 3–7) (citing Affidavit of Brian Frank [Doc. No. 83-1]). Consequently, there is no immediate concern that warrants sentencing via videoconference

or teleconference in this case. Delaying sentencing will not prejudice Jones. In light of his Guidelines range, the Court will schedule his sentencing as soon as practicable. Accordingly, his motion is denied without prejudice.

Jones' request to file a supplemental sentencing position is granted. Jones shall file his supplemental position on or before April 9, 2020, and the Government shall file its response on or before April 16, 2020.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for a Hearing to Schedule Sentencing [Doc. No. 61] is **DENIED without prejudice;**
2. Defendant's Motion for Leave to File a Supplemental Sentencing Position [Doc. No. 62] is **GRANTED;**
3. Defendant's Supplemental Sentencing Position shall be filed on or before April 9, 2020, and the Government's response shall be filed on or before April 16, 2020.

Dated: April 2, 2020

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge